

NORTHERN ROCKIES COORDINATING GROUP (NRCG)
RESTRICTION & CLOSURE PROCEDURES
JUNE 1, 2001
UPDATED JULY 2004
UPDATED MAY 2007

PURPOSE	1
AUTHORITY	1
AREAS	1
PROCESS FOR FIRE RESTRICTIONS	1
INITIATION	1
IMPLEMENTATION	2
RESCISSION	2
PROCESS FOR CLOSURES	2
APPENDIX 1: AUTHORITIES	3
APPENDIX 2: ROLES AND RESPONSIBILITIES	5
APPENDIX 3: AREA BOUNDARIES	6
IDAHO	6
MONTANA	7
NORTH DAKOTA	9
SOUTH DAKOTA	10
APPENDIX 4: GUIDELINES FOR IMPLEMENTING RESTRICTIONS	11
APPENDIX 5: STAGE I AND STAGE II RESTRICTIONS	12
APPENDIX 6: CLOSURE GUIDELINES	14
APPENDIX 7: DEFINITIONS	15
APPENDIX 8: STAGE II AUTHORIZED EXEMPTIONS	16
PUBLIC UTILITIES – EMERGENCY WORK ONLY	16
RAILROAD COMPANIES – EMERGENCY WORK ONLY	19

NORTHERN ROCKIES COORDINATING GROUP (NRCG) RESTRICTION & CLOSURE PROCEDURES

JUNE 1, 2001
UPDATED JULY 2004
UPDATED MAY 2007

PURPOSE

The purpose of fire restrictions is to reduce the risk of human-caused fires during unusually high fire danger and/or burning conditions. Fire restrictions impose many limitations on the public, and therefore should be implemented only after all other prevention measures have been taken. These measures include, but are not limited to: increasing the number of prevention signs, public contacts, media campaigns, etc. Fire restrictions should be considered when high to extreme fire danger is predicted to persist. Other considerations are the level of human-caused fire occurrences being experienced, firefighting resources available, potential high-risk occasions (4th of July, etc.), and large fire activity occurring on a unit. Fire restrictions should be considered one of the last prevention tools to be used. Restrictions should not be considered the prevention program.

Emergency closures have an extreme impact on the public and fire agencies, and are discouraged except under the most severe conditions. Closures should be implemented only in situations where the public's safety cannot be guaranteed. Closures are not justified by fire danger alone, but should be driven by the potential for risk to life safety due to extreme fire behavior, high potential for human-caused fires, severe shortages of resources, and numerous large fires.

AUTHORITY

Fire restrictions and closures are invoked on state, federal, tribal trust, and private lands under federal and state laws (Appendix 1). Agency Administrators/Tribal Chairpersons are responsible for coordinating with other agencies/tribes, issuing appropriate documents, and the enforcement of restrictions and closures for those lands on which they have authority (Appendix 2).

Agencies/tribes are responsible for incorporating the geographic guidelines into their appropriate policy and procedures manuals. Restrictions and closure procedures shall be uniform across individual areas and the geographic area.

AREAS

For the ease of implementation and coordination, the geographic area will be divided into fire restriction and closure areas (Appendix 3). Managers and Agency Administrators/Tribal Chairpersons within the area will have the flexibility to decide how much of the area needs to be placed in or out of a specific restriction stage or closure. If conditions do not warrant restrictions or closures throughout the whole area, then only that portion of the area meeting critical levels should be placed under restrictions or closures. Areas of restriction or closure must be easily recognizable by the public.

PROCESS FOR FIRE RESTRICTIONS

Every spring, Area Agency Administrators/Tribal Chairpersons, law enforcement personnel, fire managers, and public information personnel, will review and validate the restriction and closure plan and applicable agency/tribal documents. All press releases, description of stages, and other necessary agency/tribal documents should be available in template format before the start of the fire season.

Initiation

When the conditions within an area approach threshold levels, areas should begin planning the initiation of fire restrictions. These threshold levels should be determined by all wildland agencies/tribes in the area before the onset of fire season. These guidelines will become part of the Area's Restriction and Closure Plan (Appendix 4). The planning process for restrictions should include a public awareness campaign, keeping the media and public informed of the possibility of restrictions. The Area Restriction Coordinator, who is chosen by the Agency Administrators/Tribal Chairpersons within the area, should coordinate all restriction actions (Appendix 2). The Area Restriction Coordinator will initiate discussion with the area fire managers, and coordinate the process with the adjacent area restriction coordinators. This decision process should be started early enough so all agencies/tribes in the area have time to plan, properly distribute the restriction documents, and notify the public.

When fire managers in the area reach consensus that restrictions are needed, they will inform their respective Area Agency Administrator/Tribal Chairpersons that the thresholds for implementing fire restrictions have been reached. All agencies and tribes will coordinate the restriction stages, implementation and rescissions, and timing of media releases.

Implementation

The Area Restriction Coordinator will coordinate approval of all agency/tribal documents. Each Agency Administrator/Tribal Chairperson will be responsible for assuring that documents are completed and signed. The documents will be based on the elements listed in Appendix 5.

The Area Restriction Coordinator will coordinate public notification. Each Area's Restriction and Closure Plan will include a media communications process. When implemented, the restriction media release must be clear, concise, and understandable to the public. Each agency/tribe will post signs and notifications, according to their procedures and regulations, to inform the public of the restrictions.

Once a restriction is in effect, participating agencies/tribes will not issue exemptions, exceptions, or waivers to the agreed-upon restrictions except through written individual permits. If permits are issued, affected agencies/tribes within the fire restriction area will be notified to avoid confusion among law enforcement and fire personnel.

Each agency/tribe will be responsible for informing their employees of the restrictions being enacted. Those responsible for public contact (receptionists, etc.) will be provided with a copy of the restrictions and appropriate map.

Rescissions

Areas should plan restrictions for the long-term danger and not jump at short fluctuations in risk, weather, and fire danger/behavior. When Area Agency Administrators/Tribal Chairpersons agree that the restriction should be removed, the Area Restriction Coordinator will coordinate public information as conditions warrant.

PROCESS FOR CLOSURES

When fire danger/behavior threatens firefighter and public safety, the Geographic Agency Administrators can implement large-scale closures. These large-scale closures may involve multiple areas and/or multiple jurisdictions. Implementation, rescission, and public notification of these closures will occur at the geographic level. Standard exemptions for closures have been agreed upon by the Geographic Agency Administrators and are found in Appendix 6.

Area closures covering a small area will be used when safety of the public and/or firefighters is a concern. These closures are typically warranted when there is an on-going incident and/or extreme fire conditions. The closures should be coordinated and all agencies/tribes within the Area and with adjacent Areas should be informed. Exemptions to incident related closures will be authorized by the Agency Administrator/Tribal Chairperson and/or the Incident Commander.

APPENDIX 1

AUTHORITIES

Fire restrictions and closures can be invoked on state, federal, and private lands under federal and state laws. The following are a reference of those authorities:

Forest Service

For Closures

36 CFR 261.52(e) – Going into or being upon an area

For Restrictions

36, CFR 261.50 – Fire

General that applies to both restrictions and closures

16 USC 551 and 18 USC 3559 and 3571 – Violation/Penalties

36 CFR 261.51 – Posting Requirements

BLM

Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, et seq.),

Sections 302(b) and 301(a) 43, CFR, Part 9210 (Fire Management) 43, CFR, Part 9212 (Wildfire Prevention)

Confederated Salish & Kootenai Tribes and Flathead Agency

Forest restrictions and closures are issued by the Tribal Chairperson and Agency Superintendent under authority established in 25 CFR 163.3, 25 CFR 163.28, the Hell Gate Treaty, the Tribal Constitution, and the Tribal Forest Products Harvesting Ordinance 61C. Forest restrictions and closures may be applied on all tribal trust and tribal fee lands within the exterior boundaries of the Flathead Indian Reservation.

State of Idaho

Using ICA 38-115 as the authority, the State Board of Land Commissioners developed supplemental rules and regulations that the Director of the Department of Lands is responsible to apply. Rule IDAPA 20.04.01.060 covers campfire and other burning permits; IDAPA 20.04.01.070 provides for area closures; IDAPA 20.04.01.090 allows for invoking smoking limitations; and IDAPA 20.04.01.120 permits limiting activities to the least dangerous portion of the day. In dealing with Idaho on joint restrictions, consider that rules 20.04.01.070 and 20.04.01.120 require newspaper publication, and the State may need more lead time than a Federal agency. Any restriction implemented by the Director of the Department of Lands will apply to forest and rangelands as defined in ICA 38-101.

State of Montana

The parent law for the regulations is Montana Code Annotated (MCA) 76-13-109. Under these regulations, the Administrator of the Division of Forestry may invoke fire restrictions by issuing a proclamation. The Governor must do closure under these regulations, not the Administrator, and the regulations provide for the issuance of entry permits. The Montana Governor may also use part of the Military Affairs and Disaster and Emergency Services laws to close an area. MCA 10-3-103 defines an emergency or disaster as a fire or condition that could be considered a disaster or emergency.

Montana Counties

The Montana constitution, as well as Montana Code Annotated, provides counties in Montana the authority to impose restrictions and closures.

7-1-101. Self-government powers. As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

7-33-2205. Establishment of fire season -- permit requirements. The county governing body may in its discretion establish fire seasons annually, during which no person may ignite or set any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any forest, range, or croplands subject to the provisions of this part without having obtained an official written permit to ignite or set such fire from the recognized protection agency for that protection area.

APPENDIX 2

ROLES AND RESPONSIBILITIES

Agency Administrator and/or Tribal Chairperson

1. The **Area** Agency Administrator/Tribal Chairperson is responsible for the following:
 - Identifying a lead area agency administrator responsible for facilitating the decision-making and implementation process.
 - Following and endorsing the NRCG Restriction Guidelines.
 - Selecting an area restriction /closure coordinator.
 - Developing an Area Restrictions and Closure Plan.
 - Ensuring that the restriction coordinator has the tools they need to perform successfully.
 - Ensuring that agency restriction documents are accurate and approved through their legal counsel.
 - Ensuring that their agency follows all measures stated in their restrictions document.
 - Monitoring the success of the enacted restriction and providing timely feedback to the area restrictions coordinator.
2. The **Geographic** Agency Administrator/Tribal Chairperson is responsible for the following:
 - Incorporating NRCG guidelines into agency policy and procedures manuals.
 - Ensuring that NRCG has the support, they need to perform successfully.
 - Ensuring the Area Agency Administrators consistently implement restrictions procedures as described in this document.
 - Coordinating the implementation, rescission, and public notification of restrictions on a large-scale basis.
 - Coordinating the implementation, rescission, and public notification of closures on a large-scale basis.

Geographic Restriction Coordinator

The geographic restrictions coordinator is responsible for:

- Facilitating the restrictions implementation and rescission process on a geographic basis.
- Monitoring restrictions activity across all Areas.
- Providing an assessment of conditions and issues to the Geographic Agency Administrators.
- Coordinating the need for large-scale closures across all agencies.
- Maintaining a geographic website for restrictions and closures information.

Area Restriction Coordinator

The Area Restriction Coordinator (ARC) is responsible for:

- Facilitating the restrictions implementation process.
- Coordinating public notification.
- Gathering all information needed from each cooperator needed to make informed decisions. Monitoring fire activity, ERC levels as well as prevention efforts.
- Communicating and coordinating with neighboring areas on their restriction and closure activity.
- Identifying a person for media contacts for the area.
- Monitoring and gathering information for timely rescission of orders.

Northern Rockies Coordinating Group (NRCG)

NRCG is responsible for:

- Developing and maintaining the Restriction and Closure Procedures.
- Ensuring that training is provided to agency personnel and cooperators.
- Providing a Geographic Restrictions Coordinator.

APPENDIX 3

AREA BOUNDARIES IDAHO

~ MAP WOULD GO HERE ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

Northern Idaho Area Includes:

All lands within Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, and Lewis counties. All lands outside of the Frank Church River of No Return, Gospel Hump, and Selway-Bitterroot Wilderness Areas in Clearwater, Idaho, and Lemhi counties.

Area 10 of the Great Basin Geographic Area Plan- Southern Idaho Includes:

All public lands within the Frank Church River of No Return, Gospel Hump, and Selway-Bitterroot Wilderness areas located in: Idaho: Idaho, Lemhi, Valley, Custer, and Clearwater counties. Montana: Ravalli and Missoula counties.

APPENDIX 3

AREA BOUNDARIES MONTANA

~ MAP WOULD GO HERE ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

Northwest Montana Area Includes:

All lands within Flathead and Lincoln Counties, and the portion of Lake County outside of the Flathead Reservation, and all lands administered by the Kootenai and Flathead National Forests, and all of Glacier National Park.

West Central Montana Area Includes:

Mineral, Missoula, Ravalli, Granite, Deer Lodge, and Silver Bow Counties, Powell County except the Helena National Forest, the Flathead Indian Reservation, and the portion of Sanders county outside the Kootenai National Forest.

Central Montana Area Includes:

Beaverhead, Broadwater, Cascade, Jefferson, Lewis and Clark, Liberty, Madison, Meagher, Pondera, Teton, Toole Counties, that portion of the Helena national Forest within Powell County, and Glacier County outside of Glacier National Park.

South Central Montana Area Includes:

Park and Gallatin Counties, and the Gallatin National Forest.

Eastern Montana - Billings Area Includes:

Big Horn, Carbon, Musselshell, Sweet Grass, Stillwater, Treasure, and Yellowstone Counties.

Eastern Montana - Lewistown Area Includes:

Blaine, Chouteau, Daniels, Fergus, Golden Valley, Hill, Judith Basin, Petroleum, Phillips, Roosevelt, Sheridan, Valley, and Wheatland Counties.

Eastern Montana - Miles City Area Includes:

Carter, Custer, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties.

APPENDIX 3

AREA BOUNDARIES NORTH DAKOTA

~ MAP WOULD GO HERE ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

North Dakota Area Includes:

All Dakota Prairie National Grasslands located within Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Grant, Golden Valley, Hettinger, Mercer, McKenzie, Morton, Oliver, Sioux, Slope, Stark, and Williams Counties.

All Bureau of Land Management lands within the North Dakota Field Office.

APPENDIX 3

AREA BOUNDARIES SOUTH DAKOTA

~ MAP WOULD GO HERE ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

South Dakota Includes:

All National Forests and Grasslands within the Sioux Ranger District of the Custer National Forest and the Grand River District of the Dakota Prairie Grasslands.

All Bureau of Land Management lands within the South Dakota Field Office.

APPENDIX 4

GUIDELINES FOR IMPLEMENTING RESTRICTIONS

When weather factors or fire suppression impacts become a concern, the following criteria can be used to help determine if a restriction is justified. Before the fire season, each area should review these evaluation guidelines to help determine threshold levels that substantiate the need for each restriction. These thresholds for restrictions should well exceed the normal fire season conditions.

Examples include:

- 1,000-Hour fuel moisture content.
- 3-day mean energy release component.
- Live fuel moisture content.
- Fire danger rating adjective class is at very high or extreme.
- Fires are impacting available suppression resources making adequate initial attack difficult.
- Area is receiving a high occurrence of human-caused fires.
- Adverse fire weather conditions and risks are predicted to continue.
- Life safety is jeopardized.

APPENDIX 5

STAGE I AND STAGE II RESTRICTIONS

There will be two fire restriction stages: Stage I and Stage II. Each agency/tribe within a fire restriction area must write its own agency/tribal document that authorizes the restrictions within its jurisdiction. Each agency/tribe is responsible for using its own format and having their legal counsel review the document to assure it is correct and enforceable. Appendix 8 contains the Stage II Fire Restriction Authorized Exemptions for Public Utilities and Railroad Companies. These terms and conditions tie back to exemption number four.

To reduce confusion and standardize the restrictions, the following criteria will be used in all restriction documents:

STAGE I

The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire or campfire unless noted in the exemptions below.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.

Note: for the smoking provision, each agency/tribe must cite their actual regulations/laws, therefore the wording for the prohibition may be slightly different.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted.
6. Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

STAGE II

The following acts are prohibited until further notice:

1. Building maintaining, attending, or using a fire or campfire.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.
3. The following acts are prohibited from 1:00 p.m. to 1:00 a.m.:
 - a. Operating any internal combustion engine.
 - b. Welding, or operating acetylene or other torch with open flame.
 - c. Using an explosive.

A patrol is required for two hours following cessation of all activities as identified in #3 above.

4. Operating motorized vehicles off designated roads and trails.

Note: for the smoking provision (#2), each agency/tribe must cite their actual regulations/laws, therefore the wording for the prohibition may be slightly different

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off.
3. Operating motorized vehicles on designated roads and trails.
4. Emergency repair of public utilities and railroads as per attached conditions.

5. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
6. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
7. All land within a city boundary is exempted.
8. Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

APPENDIX 6

CLOSURE GUIDELINES

The Geographic Agency Administrators within the Northern Rockies Geographic Area should review these evaluation guidelines and determine threshold levels that substantiate the need for closures.

Examples include:

- Potential loss of life due to explosive fire conditions.
- Potential for extreme or blowup fire behavior.
- Stage II restrictions are not effective in reducing the number of human-caused fires.
- Resources across the geographic area are at a critical shortage level.

The following standard exemptions will be allowed during closure and will be noted on all closure documents.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Emergency repair of public utilities and railroads as per attached conditions.
1. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
3. All land within a city boundary is exempted.
4. Other exemptions unique to each agency/tribe.

APPENDIX 7

DEFINITIONS

The following definitions should be used as part of, or referenced to, in the restrictions/closure documents that initiate and authorize a Stage I or Stage II Restriction:

Area Agency Administrator/Tribal Chairperson: Field unit agency officials who have jurisdictional responsibilities for Agency lands. Agency officials within a designated restrictions and closure area such as, but not limited to: Montana Department of Natural Resources and Conservation, Area Manager; Bureau of Land Management, Field Manager; USDA Forest Service, Forest Supervisor; National Park Service, Park Superintendent; US Fish and Wildlife Service, Refuge Manager.

Campfire: A fire, not within any building, mobile home, or living accommodation mounted on a vehicle, which is used for cooking, branding, personal warmth, lighting, ceremonial, or aesthetic purposes. Campfires are open fires, usually built on the ground, from native fuels or charcoal, including charcoal grills.

Closure: The closing of an area to entry or use.

Designated Roads and Trails: Those roads and trails that are identified to the public by land management agencies.

Exemption: Authorization allowing an otherwise prohibited act or omission.

Emergency Repair: Those actions taken outside the routine to prevent the start of a fire or restore critical resources.

Explosive: Any substance or article, including a device, which is designed to function by explosion (i.e., an extremely rapid release of gas and heat) or which, by chemical reaction within itself, is able to function in a similar manner even if not designed to function by explosion. For the purposes of these restrictions, firearms are not considered an explosive.

Geographic Agency Administrator/Tribal Chairperson: Agency officials at the statewide or regional level who have jurisdictional responsibilities for agency lands, such as: Montana Department of Natural Resources and Conservation, State Forester; Bureau of Land Management, State Director; USDA Forest Service, Regional Forester; Bureau of Indian Affairs, Regional Director; National Park Service, Regional Director; US Fish & Wildlife Service, Regional Director.

Internal Combustion Engine: An engine in which combustion of the fuel takes place in a confined space, producing expanding gases that are used directly to provide mechanical power.

Patrol: One or more people who will travel through a work site checking for and reporting fires discovered adjacent to and within the work site.

Permit: A written document issued by an authorized agency representative to specifically authorize an otherwise prohibited act.

Public Utilities: A government-regulated company that provides an essential public service such as water, gas, electricity, or telecommunications.

Restriction: A limitation on an activity or use.

APPENDIX 8

STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION PUBLIC UTILITIES *FOR EMERGENCY WORK ONLY*

Development and Objective

The Stage II Fire Restriction Authorized Exemption was developed two-fold (1) based on the 2003 permit that was developed by the USFS, BLM and the MT-DNRC in consultation with NorthWestern Energy, and (2) the lessons learned in 2000 with an industrial specialist working one on one with public utility companies. The **objective** for allowing activities to occur from 1300 (1:00 p.m.) to 0100 (1:00 a.m.) is **emergency** in nature **only**. If mitigation of emergencies is not dealt with in a timely fashion, there is a good probability that the lack of mitigation could lead to a fire start or result in an immediate threat to life and property, or the disruption of a service.

Intent and Administration

The intent of the exemption is to identify emergency conditions and on-site measures required to mitigate those conditions that would otherwise be prohibited under Stage II restrictions. As written, the authorized exemption would allow emergency repairs and be noted on each agency's restrictions document. The exemption would remain in effect until the Stage II restriction was rescinded. The terms and conditions would become part of the agency restriction document and would not require the issuance of permits.

Process

The terms and conditions should not have to be modified. The intent is to ensure that there is consistency across the geographic area and that all operators are treated equally. The Area Restriction Coordinator will facilitate the distribution of the terms and conditions and work with the Area Lead Agency Administrator to ensure agencies throughout the restriction area are consistent in their implementation of the exemptions.

The highlighted areas in the document are those that will be specific to each agency. The information in blue italics is an example of the type of information that the agency would fill in. The agency issuing the restriction document will establish a protocol for communications and coordination. It is highly encouraged that agencies throughout the restriction area work towards establishing a centralized protocol to lessen the impact on the public utility companies.

The example for vehicles in this exemption was developed according to the forest fire rules and regulations for Montana. When used in other states you must utilize the proper requirements for that state and make sure you reference the proper state law or rule.

**STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION
PUBLIC UTILITIES
FOR EMERGENCY WORK ONLY
TERMS AND CONDITIONS**

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all terms and conditions herein. This exemption does not absolve a company of any liability or responsibility for any fires ignited by the company's operations.

AREA COVERED BY EXEMPTION

This exemption only applies to [type of lands] *national forest system lands* on the [unit] *Kootenai National Forest*. This exemption is only valid under [agency document] *Kootenai Forest Order F14-067-S-03* signed on [date] *July 6, 2004* and will remain in effect until rescinded.

SCOPE OF EXEMPTED ACTIVITIES

For the purpose of this exemption, public utilities are defined as a government-regulated company that provides an essential public service such as water, gas, electricity, or telecommunications. This exemption covers emergency repairs between 1300 (1:00 p.m.) and before 0100 (1:00 a.m.). Emergency repairs are defined as an unplanned outage, an unplanned break in operations of a system, an uncontrolled release of natural gas, fire, explosion, or other situations that endangers life, property, or the integrity of the system and associated components.

With the exception of emergency situations, all construction, maintenance and repair of public utilities, including any associated welding/grinding, the use of power tools, the use of acetylene or open flame torches, or the removal of "burners" (tree or limbs in or near the power lines), will follow the timelines established in the Stage II restrictions as per [agency document] *Kootenai Forest Order F14-067-S-03*.

CONDITIONS AND MEASURES

Public utilities are hereby authorized the otherwise prohibited activities within their right-of-way per the following conditions and measures.

A. Emergency Conditions

An emergency is a condition that poses an immediate threat to life and property, or the disruption of a service. The following are typical emergencies associated with public utilities:

- Emergency removal of trees or limbs in or near electric power lines that create an immediate hazard to cause a direct impingement on the line or have the potential to start a fire.
- Emergency repair of electric transmission or distribution systems due to a power outage such as a broken wire, blown fuse, etcetera.
- Emergency repair of natural gas transmission or distribution system due to an outage on the system such as an uncontrolled release of natural gas, fire, explosion, etcetera.
- Emergency repair of an unplanned break in operations of a system.
- Emergency repair of telecommunications sites.
- Associated welding/grinding, use of power tools, use of acetylene or other torch with open flame required due to the emergency.

B. On-site Measures Required

- Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a equipment capable of spraying water under pressure with a minimum of 40 psi at the first outlet, with at least a 200 gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care should be taken to stay on designated roads. Equipment must be within 100 feet of any operations using welding/grinding, acetylene or other torch with open flame, or power tools.

- The use of a spark shield to surround the entire area is required when welding or grinding.
- One person with communications will be dedicated as a “fire watch” during the above operations, and for two hours after all activity has ceased for the day.
- When power outages occur, the affected line segment will be inspected before being re-energized. Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of an electric or natural gas segment.

C. Vehicle Requirements

In addition to the above, all vehicles will meet the [State and appropriate reference] *Montana Forest Fire Rules & Regulations, Rule IV and VIII* during the declared forest fire season. This includes [state requirements, below is MT’s]:

- One 5-gallon backpack pump. (See note below)
- One serviceable fire fighting tool, #0 or equivalent shovel or a pulaski.
- One fire extinguisher with a minimum 2 ½ pounds capacity and 4 BC or higher rating.
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system.

Note: Two-2 gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one-10 gallon container with an electric pump and 100 feet of ½ inch hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5 gallon backpack pump.

In addition to the above requirement, each vehicle will:

- Have one firefighting tool per occupant with a least one tool a # 0 or equivalent shovel or a pulaski.
- Not be parked or driving over flammable vegetation.

NOTIFICATION AND COMMUNICATIONS

[Unit protocols for notification and communication when public utilities are conducting emergency work]

Contact Flathead Interagency Dispatch Center (FIDC) (406-758-5260) by 0900 (9:00 a.m.) to provide daily locations of all activities associated with repair of transmission or distribution system or any associated welding/grinding, or the elimination of “burners”. Notifications of emergency response activities will take place no later than the next normal business day.

ENTRY INTO A FIRE AREA

Entry into an active fire area will require the approval of the Incident Commander or the responsible agency administrator. Conditions imposed at that time will require a minimum clothing requirement consisting of 8-inch leather boots, gloves, hardhat, and approved fire retardant (i.e. Nomex) clothing, unless exempted by the Incident Commander.

[Agency Administrator Name and Title, If Signature Block is Needed]

Date

APPENDIX 8

STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION RAILROAD COMPANIES *FOR EMERGENCY WORK ONLY*

Development and Objective

The Stage II Fire Restriction Authorized Exemption was developed two-fold (1) based on the 2003 permit that was developed by the USFS, BLM and the MT-DNRC in consultation with Montana Rail Link and Burlington Northern Santa Fe, and (2) the lessons learned in 2000 with an industrial specialist working one on one with the railroad companies. The **objective** for allowing activities to occur from 1300 (1:00 p.m.) to 0100 (1:00 a.m.) is **emergency** in nature **only**. If mitigation of emergencies is not dealt with in a timely fashion, there is a good probability that the lack of mitigation could lead to a fire start or result in an immediate threat to life and property, or the disruption of a service.

Intent and Administration

The intent of the exemption is to identify emergency conditions and on-site measures required to mitigate those conditions that would otherwise be prohibited under Stage II restrictions. As written, the authorized exemption would allow emergency repairs and be noted on each agency's restrictions document. The exemption would remain in effect until the Stage II restriction was rescinded. The terms and conditions would become part of the agency restriction document and would not require the issuance of permits.

Process

The terms and conditions should not have to be modified. The intent is to ensure that there is consistency across the geographic area and that all operators are treated equally. The Area Restriction Coordinator will facilitate the distribution of the terms and conditions and work with the Area Lead Agency Administrator to ensure agencies throughout the restriction area are consistent in their implementation of the exemptions.

The highlighted areas in the document are those that will be specific to each agency. The information in blue italics is an example of the type of information that the agency would fill in. The agency issuing the restriction document will establish a protocol for communications and coordination. It is highly encouraged that agencies throughout the restriction area work towards establishing a centralized protocol to lessen the impact on the railroad companies.

The example for vehicles in this exemption was developed according to the forest fire rules and regulations for Montana. When used in other states you must utilize the proper requirements for that state and make sure you reference the proper state law or rule.

**STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION
RAILROAD COMPANIES
FOR EMERGENCY WORK ONLY
TERMS AND CONDITIONS**

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all terms and conditions herein. This exemption does not absolve a railroad company of any liability or responsibility for any fires ignited by the company's operations.

AREA COVERED BY EXEMPTION

This exemption only applies to [type of lands] *national forest system lands* on the [unit] *Kootenai National Forest*. This exemption is only valid under [agency document] *Kootenai Forest Order F14-067-S-03* signed on [date] *July 6, 2004* and will remain in effect until rescinded.

SCOPE OF EXEMPTED ACTIVITIES

This exemption covers emergency repairs between 1300 (1:00 p.m.) and before 0100 (1:00 a.m.). Emergency repairs may need to be conducted due to a derailment, damaged line, signal remediation, telecommunications problem, or other situations that endangers life, property, or the integrity of the system and associated components.

With the exception of emergency situations, all construction, maintenance, and repair of rail lines including any associated welding/grinding (including thermite), the use of power tools, the use of acetylene or open flame torches will follow the timelines established in the Stage II restrictions as per [agency document] *Kootenai Forest Order F14-067-S-03*.

CONDITIONS AND MEASURES

Railroad companies are hereby authorized the otherwise prohibited activities within their right-of-way per the following conditions and measures.

A. Emergency Conditions

An emergency is a condition that poses an immediate threat to life and property, or the disruption of a service. The following are typical emergencies associated with railroads:

- Emergency repair of a rail that has broken or been damaged.
- Emergency remediation of a track buckle caused by extreme heat.
- Emergency cleanup of a derailment.
- Emergency remediation of a railroad signal.
- Rail relay when larger sections of a rail becomes worn or needs to be replaced.
- Emergency repair of telecommunications sites.
- Associated welding/grinding, use of power tools, acetylene, or other torch with open flame due to the emergency situation.

B. On-site Measures Required

- Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 40 psi at the first outlet, with at least an 80-gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care should be taken to stay on designated roads. Pumper equipment must be within 100 feet of any operations using welding/grinding, acetylene or other torch with open flame, or power tools.

- The use of a spark shield to surround the entire area is required when welding or grinding.
- Any work relating to rail relay activity off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 50 psi at the first outlet, with at least a 600-gallon on site capacity, and with a minimum of 400 feet of hose on site.
- One person with communications will be dedicated as a “fire watch” during the above operations, and for two hours after all activity has ceased for the day.
- Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of a rail line segment or repair of a telecommunications site.

C. Vehicle Requirements

In addition to the above, all vehicles will meet the [State and appropriate reference] *Montana Forest Fire Rules & Regulations, Rule IV and VIII* during the declared forest fire season. This includes [state requirements, below is MT's]:

- One 5-gallon backpack pump. (See note below)
- One serviceable fire fighting tool, #0 or equivalent shovel or a pulaski.
- One fire extinguisher with a minimum 2 ½ pounds capacity and 4 BC or higher rating.
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system.

Note: Two-2 gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one-10 gallon container with an electric pump and 100 feet of ½ inch hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5 gallon backpack pump.

In addition to the above requirement, each vehicle will:

- Have one firefighting tool per occupant with a least one tool a # 0 or equivalent shovel or a pulaski.
- Not be parked or driving over flammable vegetation.

NOTIFICATION AND COMMUNICATIONS

[Unit protocols for notification and communication when public utilities are conducting emergency work]

Contact Flathead Interagency Dispatch Center (FIDC) (406-758-5260) by 0900 (9:00 a.m.) to provide daily locations of all activities associated with emergency repair as a result of a derailment, damaged line, signal remediation or telecommunications problem. Notifications of emergency response activities will take place no later than the next normal business day.

ENTRY INTO A FIRE AREA

Entry into an active fire area will require the approval of the Incident Commander or the responsible agency administrator. Conditions imposed at that time will require a minimum clothing requirement consisting of 8-inch leather boots, gloves, hardhat, and approved fire retardant (i.e. Nomex) clothing, unless exempted by the Incident Commander.

[Agency Administrator Name and Title, If Signature Block is Needed]

Date